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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT

FILED - GR
November 1, 2019 9:39 AM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: ns SCANNED BY: TB

LAWRENCE GERARD NASSAR, MOVANT
V,

11/1/19

UNITED STATES OF AMERICA, PLAINTIFF

LAWRENCE NASSAR'S RESPONSE TO THE UNITED
STATES' RESPONSE TO NASSAR'S MOTION (R.64)
FILED PURSUANT TO 28 U.S.C. § 2255,

IN THE UNITED STATES' RESPONSE IV ARGUMENT
A, GROUNDS 1, 2 + 3 ARE PROCEDURALLY BARRED
2. THESE CLAIMS ARE PROCEDURALLY BARRED, STATES
"NASSAR NEITHER CITES ANY OF THESE ALLEGED
NEW 'COURT OPINIONS AND RULINGS' NOR
EXPLAINS HOW THEY PROVIDE NEW, PREVIOUSLY
UNAVAILABLE GROUNDS TO ATTACK HIS SENTENCE."

NASSAR DID NOT CITE NOR PROVIDE THESE CASES
OR ARGUE THEM BECAUSE IN THE DIRECTIONS
PROVIDED FOR GROUNDS 1, 2, AND 3 ON THE
"MOTION TO VACATE, SET ASIDE, OR CORRECT A
SENTENCE BY A PERSON IN FEDERAL CUSTODY"

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FORM IT STATES FOR EACH GROUND LISTED

"DO NOT ARGUE OR CITE LAW, JUST STATE FACTS THAT SUPPORT YOUR CLAIM."

ACCORDING TO MOORE'S FEDERAL PRACTICE 3RD EDITION, VOLUME 28, CHAPTER 673, "THE STANDARD IS WHETHER THE MOVANT HAS MADE SPECIFIC FACTUAL ALLEGATIONS THAT, IF TRUE, STATE A CLAIM ON WHICH RELIEF COULD BE GRANTED. A HEARING MUST BE GRANTED UNLESS THE MOVANT'S ALLEGATIONS, WHEN VIEWED AGAINST THE RECORD, DO NOT STATE A CLAIM FOR RELIEF OR ARE SO PALPABLY INCREDIBLE OR PATENTLY FRIVOLOUS AS TO WARRANT SUMMARY DISMISSAL."

THE FACTS HAVE BEEN RAISED AND THE ARGUMENT TAKES PLACE IN THE EVIDENTIARY HEARING.

DATE: OCTOBER 24, 2019

RESPECTFULLY SUBMITTED,

Lawrence Nassar

LAWRENCE NASSAR 21504-040

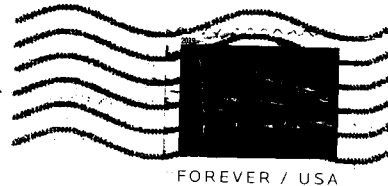
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